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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER

LU, TOM Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/980,888		SATO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tom Y. Lu		2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Request for Continued Examination filed on 03/29/2006 has been entered.
2. Upon entry of Request for Continued Examination, the amendment filed on 07/10/2006 has been entered and the written response filed on 03/29/2006 has been considered.
3. Claims 1 and 9 have been amended.
4. Claim 20 is newly added.
5. Claims 1-20 are pending.

### ***Response to Arguments***

6. Applicant's arguments filed on 03/29/2006 have been fully considered but they are not persuasive.

Applicant argues the Uomori reference ("Uomori" hereafter) fails to teach the new limitations of "an intermediate distance" and "displaying the first image and the second image on a screen.". Therefore, applicant asserts it would not be obvious to a person of ordinary skill in the art to combine Uomori with the Sundahl, Pritchard or Lia.

Upon further review of specification and in light of applicant's arguments, the examiner respectfully disagrees as follows: in interpreting the claim limitation of "an object in an intermediate distance" in light of specification, figure 2, the examiner notes the claimed object is object b<sub>1</sub> or b<sub>2</sub> in left and right images respectively. Uomori only uses one object in illustrating his stereoscopic imaging system, and does not teach object A as shown 18 to be positioned between two additional objects. However, it does not prevent Uomori from capturing three objects with his system. And it is certainly within the capability of Uomori to do so since the

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only difference will be showing 3 objects in figure 18 with object A positioned in the middle of left and right images (the examiner considers an example of three objects lined up as B A C). It is the examiner's opinion that if the limitation of "an object in an intermediate distance" means capturing 3 objects instead of 1, the limitation should not carry any significant patentable weight since it is within capability of any camera to capture any number of objects. With regard to additional limitation of "displaying the first image and the second image on a screen", Uomori teaches after proper shifting of right image as shown in figure 18, the left and right images are displayed on image display 32 as a stereo image. Uomori does not teach displaying left and right images on a display before shifting for the purpose of presenting a finished product instead of showing a work process of shifting. However, it should be obvious to a person ordinary skill in the art that if one is interested in seeing the shifting process of two images in a display, it is certainly within the capability of Uomori to do so since it is merely graphitize the shifting process for the viewing purpose.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 9-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Uomori (US 5,726,704 A) and Sundahl et al. (US 6,094,215 A).

### **The Uomori Reference**

Regarding independent claim 1, Uomori discloses:

A method comprising (Note: the embodiment relied upon by the examiner is embodiment 4, beginning at column 13, line 23 and concluding at column 15, line 33; figures 16-18 relate to this embodiment):

determining a position of an object in a first image (figure 18, “A<sub>L</sub>”; “points AL and AR indicate the same point in the same object in the left and right images, respectively” at column 14, line 23);

determining a position of an object in a second image (figure 18, “A<sub>R</sub>”; “points AL and AR indicate the same point in the same object in the left and right images, respectively” at column 14, line 23); and

moving one of the first image or the second image so that the object in the first image coincides with the object in the second image (figure 18, “ $\Delta x_{ave}$ ”; “the right image is shifted ...” at column 14, line 27; “the entire images are moved horizontally” at column 14 line 33).

Regarding independent claim 9, Uomori discloses an apparatus corresponding to method limitations addressed with respect to claim 1 above (i.e., refer to Uomori figure 16). Regarding the means-plus-function language, which is interpreted by the examiner with respect to 35 USC 112, sixth paragraph, the structure of Uomori figure 6 is equivalent to the structure disclosed by the applicant at figure 9.

Regard independent claim 20, see explanation in Claim 1, and differences are addressed in Differences section below.

Regarding claim 11, Uomori discloses a shift amount setting means (in the fourth embodiment, this limitation is met by at least numeral 30 of figure 16, which determines the shift

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amount as described at column 13, lines 61-65 and column 14, lines 41-60; FYI this limitation is also met by the “ $\alpha$ ” value at column 14, line 64; this limitation is also met by the fifth embodiment of Uomori, e.g. at figure 19, numeral 36).

Regarding claim 12, Uomori discloses a shift mode setting means (“can be set to a prescribed binocular parallax value  $\alpha$ ” at column 14, line 66).

### Differences

Regarding independent claims 1, 9 and 20 while Uomori discloses a stereo image pickup apparatus (e.g., figure 4A, numeral 37), Uomori does not teach that the first image is picked up with a pickup apparatus in a predetermined first state and the second image is picked up with the pickup apparatus in a second state different from the first state (Note 1: regarding claim 1, this limitation recites specific structure in a method claim; the structure is given weight because is it necessary for performing the method; Note 2: regarding claims 1 and 9, the structure limitation is construed as a single image pickup apparatus that changes its physical state in order to pick up a second image, such as but not limited to the various embodiment of the applicant’s disclosure).

Uomori only uses one object in illustrating his stereoscopic imaging system, and does not teach object A as shown 18 to be positioned between two additional objects. However, it does not prevent Uomori from capturing three objects with his system. And it is certainly within the capability of Uomori to do so since the only difference will be showing 3 objects in figure 18 with object A positioned in the middle of left and right images (the examiner considers an example of three objects lined up as B A C).

With regard to additional limitation of “displaying the first image and the second image on a screen”, Uomori teaches after proper shifting of right image as shown in figure 18, the left

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and right images are displayed on image display 32 as a stereo image. Uomori does not teach displaying left and right images on a display before shifting for the purpose of presenting a finished product instead of showing a work process of shifting. However, it should be obvious to a person ordinary skill in the art that if one is interested in seeing the shifting process of two images in a display, it is certainly within the capability of Uomori to do so since it is merely graphitize the shifting process for the viewing purpose.

#### The Sundahl Reference

Regarding claims 1 and 9, Sundahl discloses a system in the same field of stereoscopic image processing and addresses the same area of 3D image capture, wherein Sundahl teaches a single image pickup apparatus (figure 1, numeral 104; “single camera” at column 2, line 12) picking up both images (as depicted in figure 1), with the image pickup apparatus is in a different state when picking up the second image (“second location” at column 1, line 58).

Regarding claims 2 and 13, Sundahl teaches parallel movement of the single image pickup apparatus (“lateral translation illustrated by arrow 120” at column 2, line 45).

Regarding claims 3 and 14, Sundahl teaches rotational movement of the single image pickup apparatus (“may include a rotation motion illustrated by arrow 124” at column 2, line 46).

Regarding claim 10, Sundahl teaches a frame image generating means (figure 1, numeral 136) generating a frame image based on the moved at least one of the first and second images (“The digital image is stored in memory device 136” at column 3, line 41; this is equivalent to applicant’s disclosed structure which is also a memory at applicant’s figure 9, numerals 61 and 62).

Regarding claims 4 and 15, Sundahl teaches the pickup apparatus as having a condenser type optical means (the digital camera depicted in figure 1 has a lens; a condenser lens is a converging lens, which is the type of lens used by cameras) disposed between an image pickup element (“CCD” at column 3, line 33) and a target object (figure 1, numeral 108), movable to any position holding an optical axis parallel to the pickup element (the optical axis of digital cameras have a fixed relationship with the CCD; even when the camera is moved from the first to the second position, and even if the lens is focused, the optical axis remains fixed).

#### The Combination

It would have been obvious at the time the invention was made to one of ordinary skill in the art to utilize a single image pickup apparatus as taught by Sundahl, in place of the two cameras of Uomori (e.g., Uomori figure 24A, numeral 37), in order to capture both images by repositioning the single camera as taught by Sundahl. One of ordinary skill would be motivated to make this substitution in order to simplify and thus reduce to cost of the two-camera image pickup apparatus of Uomori (i.e., “the problem with using two cameras is that it is more expensive than a single camera arrangement” at Sundahl column 1, line 35).

8. Claims 1, 5, 6, 9, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Uomori (US 5,726,704 A) and Pritchard et al. (US 5,157,484 A).

#### The Uomori Reference:

Regarding claims 1, 9 and 20, Uomori discloses a method and apparatus as described above.

#### Differences:



Uomori does not teach a single image pickup apparatus (i.e., a single camera) picking up both images as described above.

The Pritchard Reference:

Regarding claims 1, 9 and 20, Pritchard discloses a system in the same field of stereoscopic image processing, where he addresses the same area of 3D image capture, wherein Pritchard teaches a single image pickup apparatus (figure 11; “single camera” at column 10, line 25) picking up both images (as depicted in figure 10, by axes 136 and 135), with the image pickup apparatus is in a different state when picking up the second image (in a first state to pick up the first image, the “shifter 131 is not rotated” and in the second state, the “shifter 131 is rotated” at column 12, lines 1-3).

Regarding claims 5 and 16, the angle controlling means disposed between a pickup element and a target object (as depicted in figure 10) controlling an outgoing angle of light emitted to a pickup face of the pickup apparatus (as depicted by the axes 136 and 135 in figure 10) where the first and second states are controlled by first and second angles of the angle controlling means (in a first state to pick up the first image, the “shifter 131 is not rotated” and in the second state, the “shifter 131 is rotated” at column 12, lines 1-3).

Regarding claims 6 and 17, angle controlling means as comprising a variable apex-angle prism (figure 10, numeral 131 is a prism in that it bends light, where its apex angle is variable by rotation as described above and depicted in the figure).

The Combination:

It would have been obvious at the time the invention was made to one of ordinary skill in the art to utilize a single image pickup apparatus as taught by Pritchard, in place of the two

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cameras of Uomori, in order to capture both images by repositioning the incoming light angle as taught by Pritchard (i.e., at figure 10). One of ordinary skill would be motivated to make this substitution in order to simplify the image pickup apparatus by obviating the problems associated with a two camera system, such as “constant alignment adjustment” (Pritchard, column 3, line 33), the requirement for a “good deal of operator skill” (Pritchard, column 3, line 27), and the need for a “special mount to hold two cameras ... [which] makes it large and heavy” (Pritchard, column 3, line 38).

9. Claims 1, 7, 8, 9, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Uomori (US 5,726,704 A) and Lia (US 5,222,477 A).

The Uomori Reference:

Regarding claims 1, 9 and 20, Uomori discloses a method and apparatus as described above.

Differences:

Uomori does not teach a single image pickup apparatus (i.e., a single camera) picking up both images as described above.

The Lia Reference:

Regarding claims 1, 9 and 20, Lia discloses a system in the same field of stereoscopic image processing, where he addresses the same area of 3D image capture, wherein Lia teaches a single image pickup apparatus (figure 6, numeral 22) picking up both images (as depicted by the optical path division depicted in figures 2 and 4; e.g., in figure 2, the right image is picked up and in figure 4, the left image is picked up), with the image pickup apparatus is in a different

state when picking up the second image (the left and right shutters of numeral 30 are open and closed in the different states as depicted in figures 2 and 4).

Regarding claims 7 and 18, Lia teaches a light transmitting means with a light entering face and a light exiting face formed parallel to each other (figure 2, numeral 26) and arranged on a path between a pickup element and a target object (numeral 26 is “disposed at the distal end of the camera 21” at column 3, line 58) to be insertable at a predetermined angle (numeral 26 is at a fixed angle, and is insertable into the optical path when the shutters 30 are opened and closed), where a first state the light transmitting means fails to be inserted on the path (e.g., in figure 2, the left shutter is closed) and in a second state, the light transmitting means is inserted in the path (e.g., figure 4, the left shutter is opened, thus inserting the plate 26 into the optical path).

Regarding claims 8 and 19, Lia teaches the light transmitting means as comprising a transparent parallel plate (plate 26 in figure 2 is a window, having parallel entry and exit surfaces as depicted; it is also transparent; i.e., “A transparent face plate 26” at column 3, line 57).

The Combination:

It would have been obvious at the time the invention was made to one of ordinary skill in the art to utilize a single image pickup apparatus as taught by Lia, in place of the two cameras of Uomori, in order to capture both images by selectively inserting the window into the optical path as taught by Lia (i.e., at figures 2 and 4), in order to simplify the image pickup apparatus by obviating the problems associated with a two camera system, such as the “manufacturing” problems (Lia, column 1, line 37; the “cost” (Lia, column 3, line 40), the matching and alignment (Lia, column 3, line 43) and bulk and weight associated with two cameras (Lia, column 1, lines 48-49).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TYL

JINGGE WU  
PRIMARY EXAMINER

